

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL D. MORALES VALLELLANES
Plaintiff

CIVIL NO. 97-2459 (GAG) (CVR)

v.

JOHN POTTER POSTMASTER
GENERAL, ET ALS
Defendants

MOTION IN COMPLIANCE

TO THE HONORABLE COURT:

COMES NOW the Defendant through the undersigned attorneys and pursuant to this Court's Order related to **D.E. 364** whereby he is to provide, forthwith, evidence of the timely production of Dr. Bhatia's economic report to the plaintiff, enclosed is Sworn Statement (**Attachment 1**) from Mr. Luis Rodriguez, legal assistant to the undersigned for years 2005-2006, which is selfexplanatory. In it Mr. Rodriguez affirms, under oath and pursuant to 28 U.S.C. §1746, that Dr. Bhatia's economic report and curriculum vitae were **hand delivered** by him to the plaintiff before the deposition began for Mr. Radamés Sierra on June 20, 2006.

It is to be noted that the record does not reflect any effort made by the plaintiff during the past year to request such economic report, if indeed he did not have it as he now claims, but instead he has waited until now to raise this belated issue.

In addition, the plaintiff made no effort to take Dr. Bhatia's deposition if, indeed, he was so eager to take it,

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particularly when the record shows that plaintiff made no effort whatsoever to even depose defendant's psychiatrist, Dr. Ramón Fortuño. Therefore, there is no reason to believe that plaintiff would have deposed defendant's economic expert witness as he now alleges, when in fact, he did not even depose defendant's medical expert witness.

In any event, it is submitted that pursuant to **Attachment 1** plaintiff did receive defendant's economic report and curriculum vitae at the beginning of the deposition dated June 20, 2006 for Mr. Radamés Sierra, one of plaintiff's announced fact witness.

WHEREFORE the defendant respectfully request from this Honorable Court that it take notice of the above and of Defendant's compliance with the Court's Order at **D.E. 364**.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico on this 4th day of September, 2007.

ROSA EMILIA RODRÍGUEZ-VÉLEZ
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